

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOE VELASQUEZ

Plaintiffs,

V.

**TEXAS CAR TITLE AND PAYDAY
LOAN SERVICES, INC.**

Defendant.

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CIVIL ACTION NO.

## DEFENDANT'S NOTICE OF REMOVAL

Defendant Texas Car Title and Payday Loan Services, Inc. (“Defendant” or “Texas Car Title”) files this its Notice of Removal based on federal question jurisdiction under 28 U.S.C. § 1331.

## I. INTRODUCTION

On October 20, 2011, Plaintiff Joe Velasquez (“Plaintiff”) filed his Original Petition (“Original Petition”) against Defendant. Plaintiff alleges that Defendant made numerous collection calls to Plaintiff and asserts violations of the Telephone Consumer Protection Act (“TCPA”) and violations of the Fair Debt Collection Practices Act (“FDCPA”).

Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, orders and other papers filed in the state court action and obtained by Defendant are attached hereto and marked as composite **Exhibit “A”** and incorporated herein by reference.

## **II. TIMELINESS OF NOTICE OF REMOVAL**

1. Defendant was served with citation in this action on November 1, 2011. Removal is timely as it is occurring within 30 days of this date.

## **III. BASIS FOR REMOVAL: FEDERAL QUESTION**

2. Removal is proper because this case is a civil action involving a federal question over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

3. This Court has supplemental jurisdiction over Plaintiff's other claims because they form part of the same case or controversy as their claims under the FDCPA. *See* 28 U.S.C. § 1367(a).

## **IV. VENUE**

4. Venue for this Removal is proper in the U.S. District Court for the Southern District of Texas, Houston Division because this district and division includes Harris County, Texas—the location of the pending state court action.<sup>1</sup>

## **V. ADDITIONAL REQUIREMENTS**

5. Written Notice of Removal will be provided to Plaintiff and filed with the District Clerk of Harris County, Texas.

WHEREFORE, having satisfied the requirements for removal under 28 U.S.C. § 1331, Defendant gives notice that Cause No. 2011-63486, now pending in the 129<sup>th</sup> Judicial District Court of Harris County, Texas has been removed to this Court.

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<sup>1</sup> *See* 28 U.S.C. § 1441(a); 28 U.S.C. 124(b)(2) (stating that the Houston Division of the Southern District includes Harris County).

Respectfully submitted,

**McGLINCHEY STAFFORD, PLLC**

By: /s/ Jeffrey R. Seewald

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***ATTORNEYS FOR DEFENDANT***

**CERTIFICATE AND NOTICE OF FILING**

I certify that on December 1, 2011 Notice of Removal was sent to the District Clerk of Harris County, Texas, and that written notice of filing of the Notice of Removal was served via certified mail, return receipt requested, upon the attorney of record for Plaintiff.

/s/ Jeffrey R. Seewald  
**Jeffrey R. Seewald**

**CERTIFICATE OF SERVICE**

I certify that a correct copy of the foregoing has been forwarded to Plaintiff's counsel of record in accordance with the Federal Rules of Civil Procedure on this the 1<sup>st</sup> day of December, 2011 as follows:

**Via Certified Mail Return Receipt Requested**

Lu Ann Trevino  
The Trevino Law Firm  
13201 Northwest Freeway, Suite 800  
Houston, TX 77040  
Fax: 888-896-2102

/s/ Jeffrey R. Seewald  
**Jeffrey R. Seewald**